

From: maria torres [mailto:mujercoahuilteca@gmail.com]

Sent: Tuesday, September 08, 2015 11:16 PM

To: Darwin.Messer@usace.army.mil; Skipper.Scott@usace.army.mil; Blanco, Arturo <Blanco.Arturo@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>; Jimmy Arterberry <jimmya@comanchenation.com>; Ian Thompson <ithompson@choctawnation.com>; holly@mathpo.org; dpatterson@tonkawatribe.com; chiefdavis@chiefsolutionsinc.com; robert.valencia@pascuayaqui-nsn.gov; Juanita Pahdopony <pahdopony@att.net>; jonathan hook <airc@wt.net>; gbaxterep@yahoo.com; Tane Ward <tane.ward@gmail.com>; Joshua Smith <joshua.smith@sierraclub.org>; luhuiisha@wishtoyo.org; amosesbc@global.net; maria torres <mujercoahuilteca@gmail.com>

Subject: Re: USACE Expansion Coal Mines Commentaries September 8, 2015

Attn: Mr. Darwin Messer, USACE REIS Project Manager

Mr. Skipper Scott, USACE Archaeological Division

Dear Mr. Messer and Mr. Scott,

Greetings to you. Enclosed please find our Tribe's commentaries. Please confirm/reply. Thank you. Kawa.

THE PACUACHE TRIBE OF TEXAS

Missions Indigenous Lineal Descendants San Juan Baustista-San Bernardo De La Candela our Sacred Anacacho Dacate Sacatsol Mountains, Chotilapacquen Ona River, Elm Creek, Pilapaxam-Pulapacxam River, Nueces River, Rio Grande River, Yanaguana River San Antonio Missions, Indigenous Missions Lineal Descendants to South Texas and Northeastern Mexico, Tribal Nation Inherent Sovereign Self Government. Foundation 1675

Re: The Pacuache Clan of Texas request consulting Party Status under Section 106 in reference to the REIS Meetings Program Expansion, Maverick County Texas of Site under REIS Archeological Regulations. Permit Renewal/Revision/Expansion/Blasting Mining for the Two Republicas Docket No. C5-0003-SC42-C Permit No. 42A, Docket. FD35554. REIS Archeological Regulations. Publish the Notice of Intent to prepare an EIS in the Federal Register on 10/24/2013, Public Publication on Newspaper, The News Gram 2543 Del Rio Blvd., Eagle Pass, Texas on 11/1/2013, USACE Scoping Announcement Regional EIS for Surface Coal and Project Expansion Lignite Mining, NEPA Supplemental Study Category 3 IP Fort Worth District in Texas October 2013 and Conducting by USACE under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, 404(b)(1) guidelines and public interest review analyses, 42 USC 4332(2)(c) amended Mine Expansions areas 1,2,3,4,5,6 and other Federal and State permits and approvals, USACE Scoping Meetings on December 3, 4, 5, 2013 from 4-7pm at Uvalde, Temple, Tyler Texas. USACE use of a Third party Contract arrangement will be utilized to develop the REIS funded by the Texas Mining and Reclamation Association and addition the USACE invitation to the US Environmental Protection Agency, US Fish and Wildlife Service, Office of Surface Mining, Natural Resources Conservation Service, RRC of Texas, TECQ, Texas Parks and Wildlife Department, Texas Historical Commission, the Louisiana Department of Wildlife and Fisheries to be cooperating agencies in the formulation of the Regional Environment Impact Study, the Pacuache Clan of Texas request to USACE a copy(s) of USACE THE SCOPING ANNOUNCEMENT to send this copy(s) to our Clan, future USACE Public Meetings, Future announcement, up-dates. Attachments

August 7, 2015

Amended Commentaries

December 12, 2013

Re: The Pacuache Tribe of Texas Amend(s) Formal Letter Request Party Status under Section 106 and USACE Scope Formal Commentaries Letter.

December 6, 2013

U.S. Army Corps of Engineers, Fort Worth District
Attn: Mr. Darvin Messer, Project Manager,
REIS Archeological Regulations
c/o Archeology Division Section
Mr. Skipper Scott
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102
(817)886-1306
(817)886-1742
Darvin.Messer@usace.army.mil
Skipper.Scott@usace.army.mil
Dear Mr. Darvin Messer,
c/o Mr. Skipper Scott

Greetings. The Pacuache Tribe of Texas we are Missions Indigenous Lineal Descendants, Our Tribe is a Sovereign, Inherent, Self-Determination people. We have Cultural, Linguistic and Family affiliation to our Ancestral Sacred Land in the area of Eagle Pass proposed Coal Mine, Maverick County Texas of site of permit mine for the Dos Republicas renewal/revision/expansion/blasting Mining Docket No. C5-0003-SC-42-C Permit No. 42A, TCEQ Docket No. 2011-1565-IWD Water Discharge renewal Water Discharge Permit WQ000351100, REIS Docket No FD35554.

The Pacuache Tribe of Texas honors and always connects to our Maternal Mothers our families gather at our Ancestral Sacred Indian Ground proposed Dos Republicas Coal Mine Site and at Elm Creek many times in more than 400 years our Clan History our Indian Tribe is submitting a picture at Eagle Pass Texas at Elm Creek early 1900's of our Family Perez gathering an our Sacred Indian Land Elm Creek and the middle of picture is my Grand Mother Guadalupe De Palma Perez and my Great Aunts and Great Uncles, in addition a picture weeding at Eagle Pass Texas of our Great-Great-Grand-Mother Guadalupe Perez to Vicente De Palma in the year 1893, the year of 1920's the weeding at Eagle Pass Texas of my Great-Grand-Mother Guadalupe Perez to John Coyle. Attachments

The Pacuache Tribe of Texas is requesting to you U.S. Army Corps of Engineers for Consulting Party Status under Section 106. The Pacuache Tribe of Texas cites NAGPRA, Native American Religious Freedom Act, Executive Order 13007, Tribal Sovereign Immunity, Ex parte Young Doctrine, Native American Religious Restoration Act, 36 USC 800, The Archeological Resources Protection Act 1979 16 USC, and The Native American Freedom Religious Act 1996, 25 USC, The National Historic Preservation Act of 1966 Amended 16 USC Executive Order 13287 Preserve

America Section 3 Inventory of Historic Properties required by Section 110 (a) (2) and operating procedures for compliance with Section 110 and Section 111 of the NHPA 16 USC 470 h-2 and 470 h-3 and NHPA 16 USC 470 et seq, NHPA Section 10 (d) THPO, and The National Environmental Policy Act 42 USC 4321 et seq, USACE 404.

The Pacuache Tribe of Texas cites authorities are further supplemented by the following federal authorities which gives Native American Tribes further protections and privileges see: Tribal participation as noted in the section dealing with tribal participation in general the regulations require agencies to seek information in accordance with agency planning processes from Indian tribes likely to have knowledge of or concerns with historic properties in the area as agencies begin their efforts to identify historic properties subject to effect 36 CFR 800.(a)(I)(iii). Agencies are encouraged to notify interested persons and parties known to be interested in the undertaking and its possible effects on historic properties, such as concerned tribes, if the agencies determine that no historic properties exist in the area subject to effect. Also agencies are required to notify interested persons who have made their concerns known to the Agency Official, if agencies determine that such properties do not exist but will not be affected 36 CFR 800.5(b). Tribes and others who disagree with and agency's determination can seek Council review of the determination under 36CFR 800.6(e) (I). All these provisions apply to non-Indian lands as well as to Indian Lands. The Pacuache Tribe of Texas again asks USACE to take judicial notice of the statutes cited in this paragraph.

Enclosed we are submitting to you the Cultural Resources Sites Inventories and Map Supplemental 125, letter dated March 19, 2012 to Mr. Dave Navecky of Surface Transportation Board our Clan requesting a Full Regional Environmental Impact Statement Investigation Report. Our Clan is also submitting to you the letter dated August 26, 1994 by the Texas Historical Commission on Destruction of several archeological sites by Dos Republicas Company were this Company Dos Republicas started construction Road at proposed Mine Site and Dos Republicas had to stop this Road construction due to Dos Republicas conducting destruction of our Ancestral Sacred Burial Ground Sites. Attachments

The Pacuache Tribe of Texas appreciates you will inform us of REIS starting Study(s) and Report(s) conducting by the U.S. Army Corps of Engineers Environmental and Cultural Resources Impacts already happen destruction of several archeological sites by this Dos Republicas Company and already has inflicted to our Pacuache Clan of Texas has been injured and will continue to be injured due to the wholesale destruction of our Coahuilteco Indian Sacred Sites located in and around the Mine Site.

The Pacuache Tribe of Texas during proceedings in 2011 for these two renewal permits for Dos Republicas Surface Mining Blasting and water storm discharge mine permits and where our Tribe received Interested Party Status by letter by the Secretary of Interior Honorable Ken Salazar year 2012.

The Pacuache Tribe of Texas will like to inform you we are presently in litigation at Travis County District on the permit for surface Mine blasting and destruction of our Sacred Land by Dos Republicas and at great risk of losing of more of 100 archeological sites on top and around proposed Dos Republicas Coal Mine.

The Pacuache Tribe of Texas will like to inform USACE we are including exhibits of the News Gram Publication information Publication on 11/1/2013, the Intent to Prepare a Regional Environmental Impact Statement for Surface Coal and Lignite mining in the State of Texas (6) pages Billing Code 3720-58 Department of Defense, Department of the Army; Corps of Engineers, and the USACE Scoping Announcement October 2013 total (7) pages including the Comment Form (2) pages our Clan has filled Commentary Form and Contact information and the Project mailing list for the REIS for Surface Coal and Lignite Mining in the State of Texas where we mark and check to add our name to the mailing list and we sign up to receive the REIS to receive a CD of the RIEZ for review when it is available, and we check yes to send us a CD of the REIS for review. Attachments

The Pacuache Tribe of Texas position on USACE meetings conducted on 3, 4, 5 December 2013 many constituents residents of Eagle Pass Texas were deprived of the rights to voice opposition of proposed Coal Mine Eagle Pass City by the USACE to attended meeting on 3, December 2013, many Eagle Pass residents including parents, senior citizens, disability access for people with disabilities, veterans, other groups could not afforded to travel hour and half to commute from Eagle Pass to Uvalde where USACE meeting conducted this Scope Meeting. Mr. Messer please let know our Clan if you can consider this Request.

The Pacuache Tribe of Texas position for the interest of justice our Clan requests you the USACE a Public Meeting to be conduct at Eagle Pass Texas Community citizens for their voice to be hear in the proposed Coal mine site at Eagle Pass Texas City Community and because Eagle Pass citizens were deprived and had a hardship to attend meeting because many are parents, seniors citizens, veterans, citizens with access disabilities and were not available to travel one hour and half form Eagle Pass to Uvalde Texas to attend Meeting on December 3, 2013.

Mr. Messer please lets us know if there is any other information that will be helpful to you. The Tribe greatly appreciates our request for a Meeting at Eagle Pass Texas and also you update us in reference to EIS Meeting or any other important information to this delicate matter.

Respectfully,

The Pacuache Clan of Texas
Mary Torres
Tribal Chairwoman
Director
Missions Indigenous Lineal Descendants
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San Antonio, Texas 78216
(210) 483-3879
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Commentaries send via electronically mail.

Enclosures pdf Format and all Attachments will be send US Postal Service urgent next day delivery and US Postal Delivery Return Confirmation

The Pacuache Clan of Texas **Commentaries** to the USACE due September 8, 2015.

Our Tribe's Indian Religious Practices and activities opposes the construction and/or enjoined of this proposed Dos Republicas Coal Mine to be built on top of our Indian Religious Sacred Site.

As a Indian I am affected by your actions, in particular you have not never involved and consider the Indians affected concerns.

You have failed to our Tribe, have failed to others rights, the process, your responsibilities in the process you have yet not Consult with our Tribe and others and informed their concerns, the USACE EIS Draft for Coal Mining Expansion is immediately void, invalid, null, not effective and where you need first to Consult with our Tribe and others before the design of this Draft. Our Tribe opposes and rejects in its total entirety the USACE EIS Draft for Coal Mining Expansion until Consultation urgently immediately starts with our Tribe and others where you have disrespect us.

The USACE's Draft EIS for Coal Mining Expansion did not included our Tribe's Religious Practices and Religious Activities in violations by not including and/or omitting on USACE's EIS Drat the following, the Native American Religious Freedom Act, the Executive Order 13007 in the Protection of Indian Religious Sacred Burial Sites, our Tribe claims the Tribal Sovereign Immunity, the Exparte Young Doctrine.

The Pacuache Tribe of Texas **Commentaries** to the USACE due September 8, 2015

Our Tribe strongly opposes this proposed Dos Republicas Coal Mine by the following:

The Pacuache Tribe of Texas position our opposition on proposed Coal Mine our Indian Clan (other Tribes) is already been injured and will continue to be injured will suffer great emotional stress, dress, and physical harm due to the wholesale destruction of our Indian Sacred Sites located in and around the proposed Coal Mine Site by Dos Republicas activities direct and indirect adverse effects at our Ancestral Sacred Site of more than 100 archeological sites since August 26, 1994. The Issues are the following: during Texas Railroad Commission Hearing on Monday January 30, 2012 in open court attorneys for the defendants made the dogmatic statement to the effect that "there will be no impact made on any historic sites in the project area". Because our Clan and we were the petitioners present in court that day, and heard this statement. Issue, the proposed Coal Mine will cause total destruction of Native American cultural items to include Human remains, funerary objects, sacred objects, Objects of Cultural patrimony our Ancestral Indian Lands at proposed Coal mine site are significant Historic and significant under Cultural Regulations. Issue, Dos Republicas violations under Cultural Regulations of State and National Antiques Laws Section 106. Issue, Piedras Negras City Coahuila Mexico already has a Coal Mine in operation. Issue, under section 106 uncompleted and/or not completed Natural and Cultural Resources Reports and Inventories before proposed Coal Mine and presently uncompleted and/or not completed Natural and Cultural Resources at proposed Coal Mine. Issue, the Pacuache Tribe of Texas position at proposed Coal Mine is Indian Sacred Burial Ground the entire Site is Sacred Ground of our Tribe Indian Religious Practices and Activities. Issue, The Pacuache Tribe position over more than 100 sites on a Formal Complaint Clan submitted to The Advisory Council of the Historic Preservation or The Office of Native Americans Affairs, the Department of Interior, Bureau of Indian Affairs included Southwest Regional Office, Our Tribe position on our Ancestral Sacred Site as a whole connectivity of our past Ancestral Human way of life conducted for thousands of years is eligible as a National Historic Register Site Patrimony of Humanity. Issue, violations not notifying, reporting and monitoring Sacred Site of proposed Coal Mine under NAGPRA Roberto Valencia of Yaqui Traditional Tribe and the formal Southwest Region NAGPRA Chairman. Issue, 25,000 acres that are going to be destroyed with dynamite blasting and use those (archeological sites) for highly toxic polluted water storm discharge drainages at a sacred site with many Indian burials yet to be unearthed. Issue, in addition the area of Eagle Pass leading into Mexico has very culturally rich deposits especially around the natural crossings of the Rio Grande River to include Paso Del Pacuache and Paso de Francia, which is known as the Gateway to Texas. Issue, our Tribe had ask the Court to block and take effect from construction this 25,000 acre Coal Mine near Eagle Pass, Texas on Final Order Travis Court did not dismiss this Issue of our Tribe. Issue, destruction of natural habitat for our Sacred Ocelot, Jaguarundi, other Sacred spices at proposed Coal Mine Site Eagle Pass Texas, the proposed Coal Mine NHPA: Section 106 [see 43 CFR 10.2 (d) NAGPRA: SECTION 3 the record show that the permitted are

has at least two endangered species that roam in the permitted area: "Wildcat kittens have been observed suggesting that perhaps these areas could be a home range." This flagrant disregard of Federal laws given to us by the U.S. Fish and Wildlife and the Texas Parks and Wildlife should not be allowed. The issue, the proposed Coal Mine will discharge under the earth underground highly toxic nitrates (nitros) these toxics are highly corrosive and will destroy every archeological site including the presence of Native American cultural items to include Human remains, funerary objects, Sacred objects, Objects of cultural patrimony. Issue, whether the proposed discharge and dust from the facility would contaminate or degrade the quality of Elm Creek Land its Tributaries and/or undisclosed natural water ways drainages which are claimed by the Pacuache Tribe of Texas (other Tribes) as our aboriginal ancestral lands. Issue whether the draft permit would allow violation of water quality standards. Issue whether the facility would cause health hazards and nuisance conditions. Issue whether the proposed discharge would contaminate drinking water sources. Issue whether Agency staff properly calculated the water quality-effluent limits and accurately concluded that the discharge would comply with Texas water quality standards exhibit by Eagle Pass Business Journal 10/29/2011 in this newspaper expressly provides that the Dos Republicas Coal Partnership's Eagle Pass Mine discharge of mine seepage and storm waters will affect the public water supply of City of Eagle Pass, aquatic life on the Elm Creek and the Rio Grande River and contact recreation areas on these waterways. Issues the permit water for mine authorizes Dos Republicas Partnership to discharge storm water and mine seepage from the active mining area subject to the following suspended solid 3.5 daily, iron 3.0 daily, manganese 2.0 daily, selenium n/a daily, in addition to these known carcinogenic chemicals the Dos Republicas is authorized to discharge into Elm Creek, unidentified and/or water natural drainages tributaries, the Rio Grande River on a daily basis the following effluent chemicals aluminum, antimony, arsenic, barium, beryllium, cadmium, chromium, trivalent chromium, hexavalent chromium, copper, cyanide, lead, mercury, nickel, selenium, silver, zinc, bod, carbonaceous biochemical oxygen, chemical oxygen, organic carbon, ammonia nitrogen, total suspended solid, nitrate nitrogen, organic nitrogen, phosphorous, oil and grease, residual chlorine, total dissolved solids, sulfate, chloride, fluoride, fecal coliform, and others. Issue when coal surfaces are exposed, pyrite (iron sulfide) comes in contact with water and air and forms sulfuric acid. As water drains from the mine, the acid moves into the waterways, and as long as rain falls on the mine tailings the sulfuric acid production continues, whether the mine is still operating or not. This process is known as acid rock drainage (ard) or acid mine drainage (amd). If the coal is strip mined, the entire exposed seam leaches sulfuric acid, leaving the subsoil infertile on the surface and begins to pollute streams by acidifying and killing fish, plants, and aquatic animals which are sensitive to drastic pH shifts, in addition surface mining can adversely impact the hydrology of a region. Deterioration of a stream quality can result from acid mine drainage, toxic trace elements, high content of dissolved solid in mine drainage water, and increased sediment loads discharged to streams, Waste piles and coal storage piles can yield sediment to streams, and leached water from these piles can be acid and contain toxic trace elements. Surface waters may be rendered unfit for agriculture, human consumption, bathing, or other household uses. Flood events can

cause severe damage to improperly constructed or located coal haul roads, housing, coal crushing and washing plant facilities, waste and coal storage piles, settling basin dams, surface water diversion structures and the mine itself. Besides the danger to life and property, large amounts of sediment and poor quality water may have detrimental effects many miles downstream from a mine site after a flood. Overall, it will cause a lot of pollution drinking water. Ground water supplies may be adversely affected by surface mining. These impacts include drainage of usable water from shallow aquifers, lowering of water levels in adjacent areas and changes in flow directions within aquifers; contamination of usable aquifers below mining operations due to infiltration or percolation on spoil piles. Where coal or carbonaceous shales are present, increased infiltration may result in increased runoff of poor quality water and erosion from spoil piles; recharge of poor quality water to shallow ground water aquifers; or poor quality water flow to nearby streams. This may contaminate both ground water and nearby streams for long periods. Issue, Leaching and leach to underground and ground water(s), soil and air contamination a proposed Coal mine site. Issue, Elm Creek pollution of Creek waters and San Miguel formation and impact in other formations or areas describe in permit sections. Issue, past Coal Mining at Eagle Pass in the 1930's there are Sink or sinking(s) Hole(s). Issue, there are Natural blue holds or holds of Ancient water also called Cenotes which they are going to be highly polluted and contamination. Attachments Pictures provided to our Tribe by the Texas Department Fish and Wildlife on Wildlife observe and seen at Eagle Pass, Texas Ocelot, Jaguarondi, The Pacuache -Tilijaya Tribe of Texas Ancestral drawings from San Juan Bautista Missions, Supplemental Section 125-1 throughout 125-22 Supplement 5 Renewal/Revision/Expansion by Texas Historical Commission on the Natural and Cultural Resources Information at proposed Coal Mine Eagle Pass Texas conducted by Archeologists,

Respectfully submitted,

Kawa Makalo Ate in our Ancient Coguiteca Dialect, Love your Family Relationships.

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Mission Indigenous Lineal Descendants
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